Department of Housing Preservation & Development nyc.gov/hpd Office of Enforcement & Neighborhood Services Housing Litigation Division 100 Gold Street New York, N.Y. 10038

Version Effective 8/1/2018

APPLICATION FOR A CERTIFICATION OF NO HARASSMENT ("CONH")

FILING INSTRUCTIONS

Requirements: A certification of no harassment ("CONH") may be required to obtain a permit from the Department of Buildings for certain types of work based on either or both of the following:

- the type of building (an SRO multiple dwelling) pursuant to Administrative Code §28-107.2 and §27-2093;
 and/or
- the location of the property pursuant to New York City Zoning Resolution §96-110, §93-90, §98-70, and/or §23-013.

One application may be filed if the building is both an SRO multiple dwelling and located within one of the areas required to file for a Certification of No Harassment by the Zoning Resolution.

Regardless of why a CONH is required, (i) the application process is governed by rules set forth in Chapter 10 of Title 28 of the Rules of the City of New York, and (ii) you must use this form to apply for the CONH.

Property: You should only seek a CONH if the property for which you seek a CONH is:

1. A Single Room Occupancy ("SRO") multiple dwelling)

For the purposes of this application, "SRO multiple dwelling" has the meaning specified in Administrative Code §28-107.2. A single room occupancy multiple dwelling means:

- A "class A multiple dwelling" used in whole or part as a "rooming house" or "furnished room house," or for "single room occupancy" pursuant to section 248 of the New York state multiple dwelling law;
- A "class A multiple dwelling" containing "rooming units"; or
- A "class B multiple dwelling."

And/Or

- 2. A multiple dwelling or interim multiple dwelling located in one of the following geographic areas (as specified in the New York City Zoning Resolution):
 - The Special Clinton District § 96-110; or
 - The Special Hudson Yards District § 93-90; or
 - The Special Garment Center District § 93-90; or
 - The Greenpoint-Williamsburg anti-harassment area § 23-013; or
 - The Special West Chelsea District § 98-70 and § 93-90.

If the property fits one of the SRO exceptions as outlined in Administrative Code §28-107.2 and is not located in any of the geographic areas specified above, you may file an "Application for an Exemption from the Certification of No Harassment Requirement." This application can be found at nyc.gov/hpd.

If the property does not fall into any of these categories, a CONH is not required.

<u>Work:</u> Regardless of the type or location of the property, a CONH is not required for all types of work. You should refer directly to the Administrative Code and/or the New York City Zoning Resolution to determine whether a CONH is required. You may also consult with the Department of Buildings.

<u>Completing the Application</u>: *All sections must be fully completed*. You must enter the BIN in question 1. The BIN can be found by searching the address through the Department of Building's Building Information system at nyc.gov/buildings. This version of the application must be used effective August 1, 2018.

Who May Apply: The applicant must be an individual natural person and must be either (i) a title holder, a contract vendee in possession, or a net lessee under a lease with at least 10 years remaining in its term ("owner"), or (ii) a principal or officer of an owner who is authorized to sign on behalf of and bind such owner. If the applicant does not have legal authority to authorize the Department of Housing Preservation and Development ("HPD") to enter all common areas of the property (for example, if the applicant is a contract vendee or is an owner who has leased the property to someone else), then the application must also be signed by an individual natural person who has such authority. If the applicant is a contract vendee, then the application must also be signed by an individual natural person who is authorized to sign on behalf of the title holder.

<u>Opinion of Counsel</u>: If title to the property is held by an entity rather than by a natural person, submit a letter from an attorney stating that:

- Based on the examination of the Company's organizational documents such as (specify which documents were consulted), you represent that the entity (name of entity) is in good standing with the Department of State, New York State.
- The applicant's relationship (official title) to the Entity.
- The applicant (name of applicant) is authorized to make all representation before DHPD on behalf of the Entity and is authorized to file the Application for Certificate of No Harassment on behalf of the Entity.
- The applicant (name) is authorized to bind the Entity (name) with regard to the filing of the Application for CONH.

Number of Copies: Submit one original and one copy of this application and all supporting documents.

Fee: Enclose a certified or bank check or a money order payable to "NYC Commissioner of Finance" for the following amount: \$160 **per dwelling unit** in the building. (The total dwelling unit count used to calculate the total fee for the building should match the certificate of occupancy, original certified letter from the Department of Buildings submitted with the application or HPD's record of the building configuration.

Inquiry Period: As used below, "inquiry period" means:

- Three years before the date of the application if the property contains an SRO multiple dwelling, unless it is located in one of the five geographic areas described below (in which case the "inquiry period" as used in this application is the date specified for that geographic area);
- September 5, 1973 if the property is located in the Special Clinton District;
- June 21, 2004 if the property is located in the Special Hudson Yards District;
- June 21, 2004 if the property is located in Preservation Area P-2 of the Special Garment Center District;
- October 4, 2004 if the property is located in the Greenpoint-Williamsburg anti-harassment area; or
- December 20, 2004 if the property is located in the Special West Chelsea District.

You must indicate if a building is <u>BOTH</u> an SRO <u>AND</u> located in one of the Special Zoning Districts by checking each applicable box in question 1 of the application. You must use the earliest inquiry period start date as the date from which to provide applicable information.

Required Documents: Please submit the following documents with your application. Please note that if any of the required documentation is missing, HPD may reject the application.

- In conjunction with questions 8 and 9:
 - Original certified copies of all recorded deeds from the Department of Finance for current and prior owners who owned the property since the inquiry period start date.
- In conjunction with question 8, if the current title to the property is held by an entity, provide documentation in support:
 - Articles of Organization, operating agreement or LLC resolution, as well as the NYS filing receipt for the entity and a Certificate of Good standing.
- Copy of your permit application to the Department of Buildings ("DOB") (if one was submitted).
- Original certified copy of the Certificate of Occupancy, if one exists.
 - o If no Certificate of Occupancy exists, attach an original certified letter from the DOB stating that the building does not have one.
- Original documentation of mortgages and any net leases for the subject property during the inquiry period.

- Supporting documentation of any criminal convictions and proceedings (see question 17).
- HPD, at its discretion, may require a copy of the architectural plans.
- Rent registrations filed with HCR within the inquiry period.

<u>Submission Method</u>: Submit the application and fee by mail (regular, certified, or registered), private courier, or hand delivery. Hand deliveries are only accepted Monday through Friday from 9 a.m. to 11 a.m.

<u>Submission Location</u>: Submit the application and fee to Anti-Harassment Unit, Department of Housing Preservation and Development, 100 Gold Street, Room 6Z New York, NY 10038, Attention: Rhonda Waldon.

Inquiries: Direct all inquiries regarding this application to: (212) 863-8266.

Additional Pages: If the answer to any question in this application requires additional space, please add pages to the application as necessary. For each such page, (i) clearly indicate the number of the question to which it pertains at the top of the page, and (ii) insert the page into the application immediately following that question.

Obligation to Update: If any information stated in the application changes at any time before HPD makes a final determination regarding whether harassment occurred, the applicant must promptly update the application with such new information and submit it to HPD. If the new information includes a change of ownership or any other facts that make the original applicant ineligible to submit the application, HPD may require that the amended application be executed by an eligible individual.

Withdrawal: An application may not be withdrawn after HPD issues either (i) an initial determination that there is reasonable cause to believe that harassment occurred, or (ii) a final determination that harassment occurred.

Obligation to Update: If any information stated in the application changes at any time before HPD makes a final determination regarding whether harassment occurred, the applicant must promptly update the application with such new information and submit it to HPD. If the new information includes a change in ownership or other facts that renders the original applicant ineligible to submit the Application, a new Application, including a new signature page executed by an eligible individual, and all supporting documentation must be submitted to HPD-in such an event, no new processing fee will be collected.

| | □ Brooklyn □ | Bronx | □ Queens | □ Staten Island |
|---|---|--|--|-----------------|
| Block: Lot: | HPD Registration | on ID: | BIN: | |
| Street Address: | | | | |
| Check every box that applies The property contains a S The property is located in The property is located in | ingle Room Occupancy the Special Clinton Disti the Special Hudson Yar Preservation Area P-2 c the Greenpoint-Williams | multiple dvict. ds District. f the Spec burg anti-l | welling. ial Garment Centerarassment area | |
| Building Configuration: Atta original certified letter from the certificate of occupancy. Description of Unit | Department of Building | s stating the configuration of | hat the building do ation of the buildin Configuration - | es not have a |
| . 3 0 . 0 . 1110 | Hanniber of Onits | Nun | nber of Units | , |
| | Number of Units | Nun | nber of Units | |
| Apartment Dwelling Units SRO Dwelling Units | Number of Onits | Nun | nber of Units | |
| Apartment Dwelling Units | Number of Onits | Nun | nber of Units | |
| Apartment Dwelling Units SRO Dwelling Units | Number of Onits | Nun | nber of Units | |
| Apartment Dwelling Units SRO Dwelling Units Total Dwelling Units Commercial Units What is the basis of the legal of Certificate of Occupance | configuration described a cy (must attach if this is to from the Department of I building currently vacant building been vacant?) | above? the basis of Buildings | f the legal configu | ration) |

| Type of Unit | Occupied | Vacant | Total |
|--------------------------|----------|--------|-------|
| Apartment Dwelling Units | | | |
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| ۱. | Have any applications for permits been filed with the Department of Buildings for work at the |
| | property which would require a certification of no harassment? |
| | No (Even if no such applications for permits have been filed with the Department of Buildings, HPD may request copies of architectural plans). |
| | ☐ Yes (Attach a copy of each such application, stamped by the Department of Buildings.) |
| | attachments thereto). |

4. Applicant(s): Identify the applicant(s). An applicant must be a natural person, not an entity. If the building is owned by more than one deed owner, all the owners need to be named as applicants or a notarized letter signed by each additional deed owner has to be submitted authorizing the applicant to file the application for certificate of no harassment on behalf of that owner. If the application is filed by a Net Lessee, the deed owner has to provide a notarized letter signed by the deed owner authorizing the Net Lessee to file the application for certificate of no harassment on behalf of that owner. In case of a multiple dwelling owned by an entity, the letter has to describe the corporate relationship of the person signing the letter on behalf of the entity.

| | Name (1) | Name (2) |
|----|---|---|
| | Social Security Number:// | Social Security Number:/ |
| | Date of Birth:// | Date of Birth:// |
| | Mailing Address: | |
| | Business Telephone Number: | |
| | Email Address: | |
| | Relationship to the property (attach documentation | on): |
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| 5. | Access Authorizer: Does the applicant identified authorize the Department of Housing Preservation areas of the property? Yes. No (Identify the person who will sign this at the Access Authorizer listed shall be an individual | If in response to Question 4 have legal authority to an and Development ("HPD") to enter all common application to authorize such access below). If natural person who either has legal possession of all sign on behalf of and bind the persons or entities who |
| | Name: | |
| | Social Security Number:// | Date of Birth:// |
| | Mailing Address: | |
| | Business Telephone Number: | |
| | Email Address: | |
| | Relationship to the property: | |
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| HPD with res | pect to the | emption or waiv property? | er from the rec | juirement foi | d an application for a certificar r a certification of no harassm |
| naras | sment, and | any other releva | ant details). | | ted or denied the certification |
| Date of the Application | Applican | | Grante Withda | ed, Denied, awn | Other Relevant Detail |
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| Current Owner A. Current O | wners: List | each current ho | older of title to | the property | including individual owners, j |
| owners an | d corporate | entity: Date of Birth | SSN or EIN | Address | |
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B. Current Principals and Officers: If title to the property is held by an entity rather than by a person, list (i) every director, general partner, managing partner, or managing member of such entity, (ii) every officer of such entity, (iii) every other person authorized to sign for and bind such entity, and (iv) every person or entity holding a 10% or more economic interest in such entity. Provide an opinion of counsel letter which authorizes the individual to file the application. An opinion of counsel letter is a letter by an attorney stating that the person signing the application for the corporation, partnership or limited liability corporation, is entitled to file and act on behalf of the entity and to make all of the representations and commitments therein. You must also provide the supporting documentation as listed in the Instructions to support the below.

| Date of Birth | SSN | Relationship to Owner | Address and Telephone Number |
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| | Date of Birth | Date of Birth SSN | Date of Birth SSN Relationship to Owner |

C. Current Management: List each person who served as a managing agent, a superintendent, collected rents, supervised or ordered repairs, or exercised any other discretion in the management of the property under the current ownership.

| Employer and Role | Period of Service |
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| | Employer and Role |

| 9. | Prior | Ownership | ì |
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List each prior holder of title to the property including individual owners, joint owners and corporate owners:

| Period of Ownership | Tax ID (if corporate entity) |
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[□] No (Complete the appropriate sections below).

B. Principals and Officers Of Prior Owners: If title to the property was previously held by an entity rather than a person at any time since the referral date, list (i) every director, general partner, managing partner, or managing member of such entity, (ii) every officer of such entity, (iii) every other person authorized to sign for and bind such entity, and (iv) every person or entity holding a 10% or more economic interest in such entity.

| Period of Ownership | Relationship to Owner | Address | Telephone Number |
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| | Period of Ownership | | |

C. Management – Prior Ownership: List each person who served as a managing agent, a superintendent, collected rents, supervised or ordered repairs, or exercised any other discretion in the management of the property from the referral date under a prior owner.

| Name and Address | | |
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| Name and Address | Employer and Role | Period of Service |
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| 10. | Criminal Convictions And Proceedings: Have any of the persons or entities listed above in items 4- |
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| | 9 ever been convicted of a crime, or is any such person or entity currently a defendant in a pending |
| | criminal proceeding? |
| | □ No |

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| 1.5 | Yes | (Provide | details | below) |) |

| Name | Court | Docket Number | Case Name | Disposition |
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| 11. | any o | Applications By Or On Behalf Of The Owner Or Applicant: Has the owner, the applicant, or their representative acting on behalf of the owner ever previously applied for a certification of no sement for any property other than the subject property? |
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| | | No. |
| | | Yes (Indicate each property for which the applicant sought a certification of no harassment and the disposition of each such application). |

| Borough | Block | Lot | Address | Registration ID |
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12. Occupants: List all current residential and commercial occupants of the property

| Name | Unit/ Floor No. | Initial Occupancy Date | Phone Number | Monthly Rent | Rent Stabilized (Y/N) | Curren Lease (Y/N) |
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12. Occupants Continued

| Name | Unit/ Floor No. | Initial Occupancy Date | Phone Number | Monthly Rent | Rent Stabilized (Y/N) | Current Lease (Y/N) |
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| If needed, please add additional pa | iges. | | |
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| Additional pages added? | | YES | NO |

13. Former Occupants: List each former occupant who vacated a dwelling unit or rooming unit at the property after the referral date, whether through eviction, relocation, surrender of occupancy rights, or any other means. If such occupant was relocated, please provide a copy of any agreement with respect to the surrender of occupancy rights, if one exists, and any other relevant details.

| Name Of Occupant | Unit | Initial Occupancy Date | Move Out Date | Reason For Moving Out | Current Address And Phone Number | Last Monthly Rent |
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| Additional pages added? | · | YES | NO |

| | 100 (110 | vide details | | n Santan (1988) | E LE COMP | |
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| Name | | Unit | Monthly Rent | Reason For Relocation Displacement | tion Phone Number | Relocated to What Location |
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| needed, plo | ease add ac | dditional pa | ges. | YES | NO | |
| ditional pa . Has t during | nges added? he building lightering in the inquiry No. Yes (Prov | been regist period? ide all rent | tered annual | ly with New York State | Homes and Com | iod). |
| Iditional pa | he building the inquiry No. Yes (Proveeding Vice proceeds and Common.) | been regist period? ide all rent is: During dings, or of munity Ren | registrations the inquiry pher proceed lewal (HCR) | ly with New York State of the s | e Homes and Com nin the inquiry peri n any harassment property before th | iod). proceedings, decrea he New York State |
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| ditional pa | he building the inquiry No. Yes (Proveeding Vice proceeds and Common.) | been regist period? ide all rent is: During dings, or of munity Ren | registrations the inquiry pher proceed ewal (HCR) | ly with New York State of for each unit filed with period, have there beer ings with regard to the ? ttach a copy of each co | Homes and Com nin the inquiry per n any harassment property before the | iod). proceedings, decrea he New York State |
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proceedings with regard to the property before any governmental or quasi-governmental authority other than the New York State Homes and Community Renewal?

No.

Yes (Provide details below and attach a copy of each complaint and final disposition, if any).

Party Names

Dates

Nature of Proceeding

Parties

Current Status

<u>Litigation</u>: During the inquiry period, has there been any litigation with respect to the property?

Other Administrative Proceedings: During the inquiry period, have there been any administrative

Yes (Provide details below and attach a copy of each petition and final disposition documents, if any).

Title and Type of Action

Plaintiff/ Petitioner's Attorney

Disposition or Current Status

Disposition or Current Status

| | Yes (Provide details). |
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| ervi | ces: During the inquiry period, has any title holder or lessee, its agents, employees or at |
| 6120 | ces: During the inquiry period, has any title holder or lessee, its agents, employees or oth ns acting on its behalf interrupted or discontinued any services at the property, including the |
| mite | ris acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? |
| mite | ns acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? No. |
| mite | ris acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? |
| mite | ns acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? No. |
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| mite | ns acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? No. |
| mite | ns acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? No. |
| mite | ns acting on its benair interrupted or discontinued any services at the property, including, to to, heat, hot water, cold water, electricity, gas, and elevator service? No. |

| Vac | <u>facate Orders</u> : Has any governmental agency issued any vacate orders (full or partial) with res | | | | |
|--------|--|--|--|--|--|
| all o | or part of the property during the inquiry period or active if issued prior to the inquiry period? | | | | |
| | No. | | | | |
| | Yes (Provide details below and attach certified copies of each vacate order). | | | | |
| Vac | Vacate Order Number: | | | | |
| Issu | ing Agency: | | | | |
| | HPD | | | | |
| | Department of Buildings | | | | |
| | Fire Department | | | | |
| | Department of Health and Mental Hygiene | | | | |
| | Other (Identify): | | | | |
| Date | , 133deu | | | | |
| Date | s of Order: | | | | |
| Basi | s of Order: | | | | |
| Num | ber of Occupants Displaced: | | | | |
| Num | ber of Occupants Returned (who were displaced): | | | | |
| Desc | cribe any other relevant information: | | | | |
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| | te Order Number: | | | | |
| Issuir | ng Agency: | | | | |
| | HPD | | | | |
| | Department of Buildings | | | | |
| | Fire Department | | | | |
| | Department of Health and Mental Hygiene | | | | |
| | Other (Identify): | | | | |
| Date | Issued: | | | | |
| | Lifted: | | | | |
| | of Order: | | | | |
| | per of Occupants Displaced: | | | | |
| | per of Occupants Returned (who were displaced): | | | | |
| Desci | ribe any other relevant information: | | | | |
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| a key | entrance to an occupied dwelling unit, removed, plugged, or otherwise rendered the loc nce door inoperable, or changed the lock on an entrance door without supplying the occu |
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| | No. |
| | Yes (Provide details). |
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| ther: | Provide any other information relovant to this application |
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| ther: | Provide any other information relevant to this application. |

Applicant Consent: The owner of the property hereby consents to permit HPD unfettered access to the property that is the subject of this application at all times and without prior notice. The purpose of such access is for the investigation of all facts relevant to this application from the date hereof until the date upon which HPD makes a final determination with respect to the grant or denial of the certification pursuant to the application of a Certification of No Harassment.

It is understood that the failure to provide such access when requested will prevent the processing of this application and, in the discretion of HPD, may result in the denial of the issuance of a Certification.

Further, it is understood that the application may be denied if it contains any false or misleading statements, or material omissions.

Further, it is understood that the applicant and/or undersigned must first obtain a Certification of No Harassment from HPD and all necessary permits from the DOB prior to commencing the work at the subject premises, which is the subject of this application.

I, the applicant, have read the within application and attest that its entire contents are true and complete.

| Applicant's Signature (1) | Applicant's Signature (2) | |
|-------------------------------------|-----------------------------------|--|
| Print Name Above | Print Name Above | |
| Relationship to the Property | Relationship to the Property | |
| Corporate Entity Designee Signature | Access Authorizer Signature | |
| Print Name Above | Print Name Above | |
| Relationship to the Owner (title) | Relationship to the Owner (title) | |
| Sworn to this day of | | |
| Notary | | |